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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/583,656	05/31/2007	Peter Braun	P06,0227	3759		
26574	7590	05/01/2009	EXAMINER			
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473				BRASE, SANDRA L		
ART UNIT		PAPER NUMBER				
2852						
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,656	BRAUN, PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sandra L. Brase	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 29-39, 41-45, 47, 49-51, 55 and 56 is/are rejected.
- 7) Claim(s) 40, 46, 48 and 52-54 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2006 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>6/20/06</u>	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because in figure 5, in block labeled S110, "inerprete" should be changed to "interpret". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 41 and 42 are objected to because of the following informalities. Appropriate correction is required.

In claim 41, lines 1 and 2, “the first and/or second control unit” lacks proper antecedent basis.

In claim 42, line 3, “the control units” lack proper antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 29-39, 41-45, 47, 49-51, 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawada et al. (US 5,715,496).

5. Sawada et al. (...496) disclose a method for outputting data of a diagnosis data stream of a printer or copier (1), the diagnosis data stream comprising first data of a first data type and at least second data of a second data type, the first data and the second data each including structure data and use data corresponding to the respective data type (abstract; and figure 1), comprising the steps of: supplying the diagnosis data stream to an evaluation program of an evaluation unit for evaluating the first and the second data (col. 3, lines 42-56); analyzing the structure data of the first data with aid of the evaluation program, a first identification which is characteristic of the first data type being determined (col. 3, lines 56-61; and col. 4, line 59 – col. 5, line 6); upon the determination of the first identification, selecting a first evaluation instruction from a plurality of evaluation instructions with aid of the evaluation program and loading it, the use data of the first data being evaluated with aid of the first evaluation instruction (col. 3, lines 58-65);

verifying with aid of the evaluation program whether the evaluated first data include further data areas comprising the second data which can be evaluated with aid of a further second evaluation instruction which can be selected from the plurality of evaluation instructions (col. 4, line 59 - col. 6, line 44); analyzing the second data with aid of the evaluation program, a second identification which is characteristic of the second data type being determined (col. 6, lines 30-32); and upon the determination of the second identification, selecting said second evaluation instruction from said plurality of evaluation instructions with aid of the evaluation program and loading it, the second data being evaluated and output with aid of the second evaluation instruction (col. 6, lines 32-44), wherein with aid of the first evaluation instruction the use data of the first data are evaluated and output (col. 3, lines 56-65; and col. 6, lines 25-44). The first and second data each include encoded information (col. 5, lines 36-40), where each piece of encoded information is decoded with aid of the selected evaluation instruction (col. 6, lines 25-44). The data type relates to an identification of the information (col. 6, lines 25-44). The first and/or second data are binary data (figure 14) and numerical data (table 1). The first and/or second data include time information, error codes, measuring values and status information (col. 4, line 59 – col. 5, line 40; col. 7, line 40 – col. 8, line 65; table 1 and figure 14). The first data is different from the second data since the first data contains more information than the second data (col. 4, line 59 – col. 5, line 4). The respective first and/or second data are sorted and commented with aid of the respective evaluation instruction before they are displayed (col. 6, line 33 – col. 6, line 53). A control unit (21) is an input and/or output control unit, a print data processing unit, an interface control unit, and a main control unit. The control unit determines occurrence of errors, occurrence of operating events, and processing of print data (col. 4, line 59

- col. 5, line 4; and col. 10, line 61-64). The first and/or second data include print data and data comprising operating state information (col. 4, line 59 - col. 5, line 4). The diagnosis data stream is analyzed and interpreted with aid of a data processing unit and the processed first and/or second data are displayed in a preset format (col. 4, line 42 – col. 6, line 53). The diagnosis data stream is searched for preset data sequences with aid of the first evaluation instruction, and dependent on the determined data sequence, a second evaluation instruction is selected, the further data assigned to said preset data sequence in the diagnosis data stream being processed with aid of the second evaluation instruction (col. 4, line 42 – col. 6, line 53). The diagnosis data stream is included in a data file, the data file being supplied to an evaluation unit (col. 6, lines 20-32). The evaluation instructions are each stored in a separate data file, and with aid of an evaluation unit the first evaluation instruction for processing the first diagnosis data and the second evaluation instruction for processing the second diagnosis data are loaded into a main memory of said evaluation unit (col. 4, line 42 – col. 6, line 53). Dependent on the selection of the evaluation instruction and/or information included in the evaluation instruction an appropriate display format is selected, with which processed diagnosis data are output with aid of an output unit (col. 4, line 42 – col. 6, line 53). The first and the second data both have a different data structure, since the first data has additional information from the second data (col. 4, line 59 - col. 5, line 4). A device for outputting data of a diagnosis data stream on a printer or copier (1), comprising: an evaluation unit which processes a diagnosis data stream comprising first data of a first data type and comprising at least second data of a second data type, the first data and the second data each including structure data and use data corresponding to the respective data type; the evaluation unit executing an evaluation program for evaluating and

outputting the first and the second data supplied with aid of the diagnosis data stream; the evaluation unit analyzing the structure data of the first and the second data with aid of the evaluation program, the evaluation unit determining a first identification which is characteristic of the first data type; the evaluation unit selecting and loading a first evaluation instruction from a plurality of evaluation instructions with aid of the evaluation program upon determination of the first identification, the evaluation unit evaluating the use data of the first data with aid of said loaded evaluation instruction; the evaluation unit verifying with aid of the evaluation program whether the evaluated first data include further data areas comprising the second data which can be evaluated with aid of a further second evaluation instruction; the evaluation unit analyzing the second data with aid of the evaluation program and determining a second identification which is characteristic of the second data type; and the evaluation unit selecting and loading a second evaluation instruction from the plurality of evaluation instructions with aid of the evaluation program upon determination of the second identification, the evaluation unit evaluating and outputting the use data of the second data with aid of the selected evaluation instruction, where the evaluation unit evaluates and outputs the use data of the first data with aid of the loaded first evaluation instruction (col. 4, line 42 – col. 6, line 53).

***Allowable Subject Matter***

6. Claims 40, 46, 48 and 52-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yano et al. (US 4,167,322), Yamashita et al. (US 5,343,276), Budnik et al. (US 6,016,204), Miyawaki (US 6,032,001), Eck et al. (US 6,427,053) and Haines (US 6,842,588) disclose outputting data.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray, can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sandra L. Brase/

Primary Examiner, Art Unit 2852

April 29, 2009